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and Other Cruel, Inhuman
or Degrading Treatment
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COMMITTEE AGAINST TORTURE

RULES OF PROCEDURE*

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* Adopted by the Committee at its first and second sessions and amended at its thirteenth and fifteenth sessions.

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PART ONE. GENERAL RULES

I. SESSIONS

Meetings of the Committee

Rule 1

The Committee against Torture (hereinafter referred to as "the Committee") shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention").

Regular sessions

Rule 2

1. The Committee shall normally hold two regular sessions each year.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairman may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chairman of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairman in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Place of sessions

Rule 4

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations.

Notification of opening date of sessions

Rule 5

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notifications shall be sent, in the case of regular sessions, at least six weeks in advance, and in the case of a special session, at least three weeks in advance, of the first meeting.

II. AGENDA

Provisional agenda for regular sessions

Rule 6

The provisional agenda of each regular session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee, in conformity with the relevant provisions of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chairman of the Committee;

(c) Any item proposed by a State party to the Convention;

(d) Any item proposed by a member of the Committee;

(e) Any item proposed by the Secretary-General relating to his functions under the Convention or these Rules.

Provisional agenda for special sessions

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for consideration at that special session.

Adoption of the agenda

Rule 8

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 15.

Revision of the agenda

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items; only urgent and important items may be added to the agenda.

Transmission of the provisional agenda and basic documents

Rule 10

The provisional agenda and basic documents relating to each item appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible. The provisional agenda of a special session shall be transmitted to the members of the Committee by the Secretary-General simultaneously with the notification of the meeting under rule 5.

III. MEMBERS OF THE COMMITTEE

Members

Rule 11

Members of the Committee shall be the 10 experts elected in accordance with article 17 of the Convention.

Beginning of term of office

Rule 12

The term of office of the members of the Committee elected at the first election shall begin on 1 January 1988. The term of office of members elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members whom they replace.

Filling of casual vacancies

Rule 13

1. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the Secretary-General shall immediately declare the seat of that member to be vacant and shall request the State party whose expert has ceased to function as a member of the Committee to appoint another expert from among its nationals within two months, if possible, to serve for the remainder of his predecessor's term.

2. The name and the curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the States parties for their approval. The approval shall be considered given unless half or more of the States parties respond negatively within six weeks after having been informed by the Secretary-General of the proposed appointment to fill the vacancy.

3. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraphs 1 and 2 of the present rule only after receiving, from the member concerned, written notification of his decision to cease to function as a member of the Committee.

Solemn declaration

Rule 14

Before assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee against Torture honourably, faithfully, impartially and conscientiously".

IV. OFFICERS

Elections

Rule 15

The Committee shall elect from among its members a Chairman, three Vice-Chairmen and a Rapporteur.

Term of office

Rule 16

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he ceases to be a member of the Committee.

Position of Chairman in relation to the Committee

Rule 17

1. The Chairman shall perform the functions conferred upon him by the Committee and by these rules of procedure. In exercising his functions as Chairman, the Chairman shall remain under the authority of the Committee.

2. Between sessions, at times when it is not possible or practical to convene a special session of the Committee in accordance with rule 3, the Chairman is authorized to take action to promote compliance with the Convention on the Committee's behalf if he receives information which leads him to believe that it is necessary to do so. The Chairman shall report on the action taken to the Committee at its following session at the latest.

Acting Chairman

Rule 18

If during a session the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.

Powers and duties of the Acting Chairman

Rule 19

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of officers

Rule 20

If any of the officers of the Committee ceases to serve or declares his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 21

1. Subject to the fulfilment of the financial obligations undertaken by States parties in accordance with article 18, paragraph 5, of the Convention, the secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the secretariat") shall be provided by the Secretary-General.

2. Subject to the fulfilment of the requirements referred to in paragraph 1 of the present rule, the Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention.

Statements

Rule 22

The Secretary-General or his representative shall attend all meetings of the Committee. Subject to rule 37 of these rules, he or his representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Servicing of meetings

Rule 23

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Keeping the members informed

Rule 24

The Secretary-General shall be responsible for keeping the members of the Committee informed of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 25

Before any proposal which involves expenditures is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to its members, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee or by a subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 26

English, French, Russian and Spanish shall be the official and the working languages of the Committee.

Interpretation from a working language

Rule 27

Speeches made in any of the working languages shall be interpreted into the other working languages.

Interpretation from other languages

Rule 28

Any speaker addressing the Committee and using a language other than one of the working languages shall normally provide for interpretation into one of the working languages. Interpretation into the other working languages by interpreters of the Secretariat may be based on the interpretation given in the first working language.

Languages of records

Rule 29

Summary records of meetings of the Committee shall be drawn up in the official languages.

Languages of formal decisions and official documents

Rule 30

All formal decisions and official documents of the Committee shall be issued in the official languages.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 31

The meetings of the Committee and its subsidiary bodies shall be held in public, unless the Committee decides otherwise or it appears from the relevant provisions of the Convention that the meeting should be held in private.

Issue of communiqués concerning private meetings

Rule 32

At the close of each private meeting, the Committee or its subsidiary body may issue a communiqué, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

VIII. RECORDS

Correction of summary records

Rule 33

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed as soon as possible to the members of the Committee and to any others participating in the meetings. All such participants may, within three working days of the receipt of the records of the meetings, submit corrections to the Secretariat in the languages in which the records have been issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued after the end of the session concerned. Any disagreement concerning such corrections shall be decided by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates or, in case of continued disagreement, by decision of the Committee or of the subsidiary body.

Distribution of summary records

Rule 34

1. The summary records of public meetings shall be documents for general distribution.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 35

1. Without prejudice to the provisions of rule 34 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.

2. Reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 20, 21 and 22 of the Convention shall be distributed by the secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States parties under article 19 of the Convention shall be documents for general distribution, unless the State party concerned requests otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 36

Six members of the Committee shall constitute a quorum.

Powers of the Chairman

Rule 37

The Chairman shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control over the proceedings of

the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He shall rule on points of order. He shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Points of order

Rule 38

During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present. A member raising a point of order may not speak on the substance of the matter under discussion.

Time-limit on statements

Rule 39

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairman shall call him to order without delay.

List of speakers

Rule 40

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairman may, however, accord the right o reply to any member or representative if a speech delivered after he has declared the list closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Suspension or adjournment of meetings

Rule 41

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 42

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 43

A member may, at any time, move the closure of the debate on the item under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 44

Subject to rule 38, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) For the closure of the debate on the item under discussion.

Submission of proposals

Rule 45

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a following day.

Decisions on competence

Rule 46

Subject to rule 44, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 47

A motion may be withdrawn by the member who proposed it at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Reconsideration of proposals

Rule 48

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and to two speakers opposing the motion, after which it shall be immediately put to the vote.

XI. VOTING

Voting rights

Rule 49

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 50 a/

Decisions of the Committee shall be made by a majority vote of the members present.

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a/ The Committee decided, at its first session, that in a footnote to rule 50 of the rules of procedure attention should be drawn to the following:

1. The members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Convention and the rules of procedure were observed and that such attempts did not unduly delay the work of the Committee.

2. Bearing in mind paragraph 1 above, the Chairman at any meeting may, and at the request of any member shall, put the proposal to a vote.

Equally divided votes

Rule 51

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Method of voting

Rule 52

Subject to rule 58 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairman.

Roll-call votes

Rule 53

The vote of each member participating in any roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 54

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved the Committee

shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

XII. ELECTIONS

Method of elections

Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of elections to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 59

1. When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a person or member is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the

necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted, and so on until a person or member is elected.

Conduct of elections when two or more elective places are to be filled

Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidates. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. SUBSIDIARY BODIES

Establishment of subsidiary bodies

Rule 61

1. The Committee may, in accordance with the provisions of the Convention and subject to the provisions of rule 25, set up ad hoc subsidiary bodies as it deems necessary and define their composition and mandates.

2. Each subsidiary body shall elect its own officers and adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

XIV. INFORMATION AND DOCUMENTATION

Submission of information, documentation and written statements

Rule 62

1. The Committee may invite specialized agencies, United Nations bodies concerned, regional intergovernmental organizations and non-governmental

organizations in consultative status with the Economic and Social Council to submit to it information, documentation and written statements, as appropriate, relevant to the Committee's activities under the Convention.

2. The Committee shall determine the form and the manner in which such information, documentation and written statements may be made available to members of the Committee.

XV. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 63

The Committee shall submit an annual report on its activities under the Convention to the States parties and to the General Assembly of the United Nations.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XVI. REPORTS FROM STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Submission of reports

Rule 64

1. The States parties shall submit to the Committee, through the Secretary-General, reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State party concerned. Thereafter the States parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and contents of the reports to be submitted under article 19 of the Convention.

Non-submission of reports

Rule 65

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rules 64 and 67 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such report or reports.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rules 64 and 67 of these rules, the Committee shall so state in the annual report which it submits to the States parties and to the General Assembly of the United Nations.

Attendance by States parties at examination of reports

Rule 66

The Committee shall, through the Secretary-General, notify the States parties, as early as possible, of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties shall be invited to attend the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him by the Committee and make statements on reports already submitted by his State, and may also submit additional information from his State.

Request for additional reports

Rule 67

1. When considering a report submitted by a State party under article 19 of the Convention, the Committee shall first determine whether the report provides all the information required under rule 64 of these rules.

2. If a report of a State party to the Convention, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish an additional report, indicating by what date the said report should be submitted.

General comments by the Committee

Rule 68

1. After its consideration of each report, the Committee, in accordance with article 19, paragraph 3, of the Convention, may make such general comments on the report as it may consider appropriate and shall forward these, through the Secretary-General, to the State party concerned, which in reply may submit to the Committee any comment that it considers appropriate. The Committee may, in particular, indicate in its general comments whether, on the basis of its examination of the reports and information supplied by the State party, it appears that some of the obligations of that State under the Convention have not been discharged.

2. The Committee may, where necessary, indicate a time-limit within which observations from States parties are to be received.

3. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 1 of this rule, together with any observations thereon received from the State party concerned, in its annual report made in accordance with article 24 of the Convention. If so requested by the State party concerned, the Committee may also include a copy of the report submitted under article 19, paragraph 1, of the Convention.

XVII. PROCEEDINGS UNDER ARTICLE 20 OF THE CONVENTION

Transmission of information to the Committee

Rule 69

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, information which is, or appears to be, submitted for the Committee's consideration under article 20, paragraph 1, of the Convention.

2. No information shall be received by the Committee if it concerns a State party which, in accordance with article 28, paragraph 1, of the Convention, declared at the time of ratification of or accession to the Convention that it

did not recognize the competence of the Committee provided for in article 20, unless that State has subsequently withdrawn its reservation in accordance with article 28, paragraph 2, of the Convention.

Register of information submitted

Rule 70

The Secretary-General shall maintain a permanent register of information brought to the attention of the Committee in accordance with rule 69 above and shall make the information available to any member of the Committee upon request.

Summary of the information

Rule 71

The Secretary-General, when necessary, shall prepare and circulate to the members of the Committee a brief summary of the information submitted in accordance with rule 69 above.

Confidentiality of documents and proceedings

Rule 72

All documents and proceedings of the Committee relating to its functions under article 20 of the Convention shall be confidential, until such time when the Committee decides, in accordance with the provisions of article 20, paragraph 5, of the Convention, to make them public.

Meetings

Rule 73

1. Meetings of the Committee concerning its proceedings under article 20 of the Convention shall be closed.

2. Meetings during which the Committee considers general issues, such as procedures for the application of article 20 of the Convention, shall be public, unless the Committee decides otherwise.

Issue of communiqués concerning closed meetings

Rule 74

The Committee may decide to issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding its activities under article 20 of the Convention.

Preliminary consideration of information by the Committee

Rule 75

1. The Committee, when necessary, may ascertain, through the Secretary-General, the reliability of the information and/or of the sources of the information brought to its attention under article 20 of the Convention or obtain additional relevant information substantiating the facts of the situation.

2. The Committee shall determine whether it appears to it that the information received contains well-founded indications that torture, as defined in article 1 of the Convention, is being systematically practised in the territory of the State party concerned.

Examination of the information

Rule 76

1. If it appears to the Committee that the information received is reliable and contains well-founded indications that torture is being systematically practised in the territory of a State party, the Committee shall invite the State party concerned, through the Secretary-General, to cooperate in its examination of the information and, to this end, to submit observations with regard to that information.

2. The Committee shall indicate a time-limit for the submission of observations by the State party concerned, with a view to avoiding undue delay in its proceedings.

3. In examining the information received, the Committee shall take into account any observations which may have been submitted by the State party concerned, as well as any other relevant information available to it.

4. The Committee may decide, if it deems it appropriate, to obtain from the representatives of the State party concerned, governmental and non-governmental organizations, as well as individuals, additional information or answers to questions relating to the information under examination.

5. The Committee shall decide, on its initiative and on the basis of its rules of procedure, the form and manner in which such additional information may be obtained.

Documentation from United Nations bodies and specialized agencies

Rule 77

The Committee may at any time obtain, through the Secretary-General, any relevant documentation from United Nations bodies or specialized agencies that may assist it in the examination of the information received under article 20 of the Convention.

Establishment of an inquiry

Rule 78

1. The Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to it within a time-limit which may be set by the Committee.

2. When the Committee decides to make an inquiry in accordance with paragraph 1 of this rule, it shall establish the modalities of the inquiry as it deems it appropriate.

3. The members designated by the Committee for the confidential inquiry shall determine their own methods of work in conformity with the provisions of the Convention and the rules of procedure of the Committee.

Cooperation of the State party concerned

Rule 79

The Committee shall invite the State party concerned, through the Secretary-General, to cooperate with it in the conduct of the inquiry. To this end, the Committee may request the State party concerned:

(a) To designate an accredited representative to meet with the members designated by the Committee;

(b) To provide its designated members with any information that they, or the State party, may consider useful for ascertaining the facts relating to the inquiry;

(c) To indicate any other form of cooperation that the State may wish to extend to the Committee and to its designated members with a view to facilitating the conduct of the inquiry.

Visiting mission

Rule 80

If the Committee deems it necessary to include in its inquiry a visit of one or more of its members to the territory of the State party concerned, it shall request, through the Secretary-General, the agreement of that State party and shall inform the State party of its wishes regarding the timing of the mission and the facilities required to allow the designated members of the Committee to carry out their task.

Hearings in connection with the inquiry

Rule 81

1. The designated members may decide to conduct hearings in connection with the inquiry as they deem it appropriate.

2. The designated members shall establish, in cooperation with the State party concerned, the conditions and guarantees required for conducting such hearings. They shall request the State party to ensure that no obstacles are placed in the way of witnesses and other individuals wishing to meet with the designated members of the Committee and that no retaliatory measure is taken against those individuals or their families.

3. Every person appearing before the designated members for the purpose of giving testimony shall be requested to take an oath or make a solemn declaration concerning the veracity of his/her testimony and the respect for confidentiality of the proceedings.

Assistance during the inquiry

Rule 82

1. In addition to the staff and facilities to be provided by the Secretary-General in connection with the inquiry and/or the visiting mission to the territory of the State party concerned, the designated members may invite, through the Secretary-General, persons with special competence in the medical field or in the treatment of prisoners as well as interpreters to provide assistance at all stages of the inquiry.

2. If the persons providing assistance during the inquiry are not bound by an oath of office to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

3. The persons referred to in paragraphs 1 and 2 of the present rule shall be entitled to the same facilities, privileges and immunities provided for in respect of the members of the Committee, under article 23 of the Convention.

Transmission of findings, comments or suggestions

Rule 83

1. After examining the findings of its designated members submitted to it in accordance with rule 78, paragraph 1, the Committee shall transmit, through the Secretary-General, these findings to the State party concerned, together with any comments or suggestions that it deems appropriate.

2. The State party concerned shall be invited to inform the Committee within a reasonable delay of the action it takes with regard to the Committee's findings and in response to the Committee's comments or suggestions.

Summary account of the results of the proceedings

Rule 84

1. After all the proceedings of the Committee regarding an inquiry made under article 20 of the Convention have been completed, the Committee may

decide, after consultations with the State party concerned, to include a summary account of the results of the proceedings in its annual report made in accordance with article 24 of the Convention.

2. The Committee shall invite the State party concerned, through the Secretary-General, to inform the Committee directly or through its designated representative of its observations concerning the question of a possible publication, and may indicate a time-limit within which the observations of the State party should be communicated to the Committee.

3. If it decides to include a summary account of the results of the proceedings relating to an inquiry in its annual report, the Committee shall forward, through the Secretary-General, the text of the summary account to the State party concerned.

XVIII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 21 OF THE CONVENTION

Declarations by States parties

Rule 85

1. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee, in accordance with article 21 of the Convention.

2. The withdrawal of a declaration made under article 21 of the Convention shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under that article; no further communication by any State party shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

Notification by the States parties concerned

Rule 86

1. A communication under article 21 of the Convention may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.

2. The notice referred to in paragraph 1 of this rule shall contain or be accompanied by information regarding:

(a) Steps taken to seek adjustment of the matter in accordance with article 21, paragraphs 1 (a) and (b), of the Convention, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

(c) Any other procedure of international investigation or settlement resorted to by the States parties concerned.

Register of communications

Rule 87

The Secretary-General shall maintain a permanent register of all communications received by the Committee under article 21 of the Convention.

Information to the members of the Committee

Rule 88

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 86 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

Meetings

Rule 89

The Committee shall examine communications under article 21 of the Convention at closed meetings.

Issue of communiqués concerning closed meetings

Rule 90

The Committee may, after consultation with the States parties concerned, issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee under article 21 of the Convention.

Requirements for the consideration of communications

Rule 91

A communication shall not be considered by the Committee unless:

(a) Both States parties concerned have made declarations under article 21, paragraph 1, of the Convention;

(b) The time-limit prescribed in article 21, paragraph 1 (b), of the Convention has expired;

(c) The Committee has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law, or that the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of the Convention.

Good offices

Rule 92

1. Subject to the provisions of rule 91 of these rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in the Convention.

2. For the purpose indicated in paragraph 1 of this rule, the Committee may, when appropriate, set up an ad hoc conciliation commission.

Request for information

Rule 93

The Committee may, through the Secretary-General, request the States parties concerned or either of them to submit additional information or observations orally or in writing. The Committee shall indicate a time-limit for the submission of such written information or observations.

Attendance by the States parties concerned

Rule 94

1. The States parties concerned shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

2. The Committee shall, through the Secretary-General, notify the States parties concerned as early as possible of the opening date, duration and place of the session at which the matter will be examined.

3. The procedure for making oral and/or written submissions shall be decided by the Committee, after consultation with the States parties concerned.

Report of the Committee

Rule 95

1. Within 12 months after the date on which the Committee received the notice referred to in rule 86 of these rules, the Committee shall adopt a report in accordance with article 21, paragraph 1 (h), of the Convention.

2. The provisions of paragraph 1 of rule 94 of these rules shall not apply to the deliberations of the Committee concerning the adoption of the report.

3. The Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

XIX. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 22 OF THE CONVENTION

A. General provisions

Declarations by States parties

Rule 96

1. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee, in accordance with article 22 of the Convention.

2. The withdrawal of a declaration made under article 22 of the Convention shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under that article; no further communication by or on behalf of an individual shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

Transmission of communications to the Committee

Rule 97

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications which are or appear to be submitted for consideration by the Committee under paragraph 1 of article 22 of the Convention.

2. The Secretary-General, when necessary, may request clarification from the author of a communication as to his wish to have his communication submitted to the Committee for consideration under article 22 of the Convention. In case there is still doubt as to the wish of the author, the Committee shall be seized of the communication.

3. No communication shall be received by the Committee or included in a list under rule 98 if it concerns a State which has not made the declaration provided for in article 22, paragraph 1, of the Convention.

List and register of communications

Rule 98

1. The Secretary-General shall prepare lists of the communications brought to the attention of the Committee in accordance with rule 97 above, with a brief summary of their contents, and shall circulate such lists to the members of the Committee at regular intervals. The Secretary-General shall also maintain a permanent register of all such communications.

2. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon his request.

Request for clarification or additional information

Rule 99

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of article 22 of the Convention to his communication, in particular regarding:

(a) The name, address, age and occupation of the author and the verification of his identity;

(b) The name of the State party against which the communication is directed;

(c) The object of the communication;

(d) The provision or provisions of the Convention alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the author to exhaust domestic remedies;

(g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time-limit to the author of the communication with a view to avoiding undue delays in the procedure under article 22 of the Convention.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 98, paragraph 1.

Summary of the information

Rule 100

For each registered communication the Secretary-General shall, as soon as possible, prepare and circulate to the members of the Committee a summary of the relevant information obtained.

Meetings

Rule 101

1. Meetings of the Committee or its subsidiary bodies during which communications under article 22 of the Convention will be examined shall be closed.

2. Meetings during which the Committee may consider general issues, such as procedures for the application of article 22 of the Convention, may be public if the Committee so decides.

Issue of communiqués concerning closed meetings

Rule 102

The Committee may issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee under article 22 of the Convention.

Inability of a member to take part in the examination of a communication

Rule 103

1. A member shall not take part in the examination of a communication by the Committee or its subsidiary body:

(a) If he has any personal interest in the case; or

(b) If he has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Withdrawal of a member

Rule 104

If, for any reason, a member considers that he should not take part or continue to take part in the examination of a communication, he shall inform the Chairman of his withdrawal.

B. Procedure for determining admissibility of communications

Method of dealing with communications

Rule 105

1. In accordance with the following rules, the Committee shall decide as soon as possible whether or not a communication is admissible under article 22 of the Convention.

2. The Committee shall, unless it decides otherwise, deal with communications in the order in which they have been placed before it by the Secretariat.

3. The Committee may, if it deems it appropriate, decide to consider jointly two or more communications.

4. The Committee may, if it deems it appropriate, decide to join the consideration of the question of admissibility of a communication to the consideration of the communication on its merits.

Establishment of a working group and designation of special rapporteurs

Rule 106

1. The Committee may, in accordance with rule 61, set up a Working Group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee in consultation with the Secretary-General, for the purpose of making recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications laid down in article 22 of the Convention and assisting the Committee in any manner which the Committee may decide.

2. The Working Group shall not comprise more than five members of the Committee. The Working Group shall elect its own officers, develop its own working methods, and apply as far as possible the rules of procedure of the Committee to its meetings.

3. The Committee may designate special rapporteurs from among its members to assist in the handling of communications.

Conditions for admissibility of communications

Rule 107

1. With a view to reaching a decision on the admissibility of a communication, the Committee or its Working Group shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual subject to the jurisdiction of a State party recognizing the competence of the Committee under article 22 of the Convention;

(b) That the individual claims to be a victim of a violation by the State party concerned of the provisions of the Convention. The communication should be submitted by the individual himself or by his relatives or designated representatives or by others on behalf of an alleged victim when it appears that the victim is unable to submit the communication himself, and the author of the communication justifies his acting on the victim's behalf;

(c) That the communication is not an abuse of the right to submit a communication under article 22 of the Convention;

(d) That the communication is not incompatible with the provisions of the Convention;

(e) That the same matter has not been and is not being examined under another procedure of international investigation or settlement;

(f) That the individual has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

2. The Committee shall consider a communication, which is otherwise admissible, whenever the conditions laid down in article 22, paragraph 5, are met.

Additional information, clarifications and observations

Rule 108

1. The Committee or the Working Group established under rule 106 or a special rapporteur designated under rule 106, paragraph 3, may request, through the Secretary-General, the State party concerned or the author of the communication to submit additional written information, clarifications or observations relevant to the question of admissibility of the communication.

2. Requests referred to in paragraph 1 of this rule which are addressed to the State party shall be accompanied by the text of the communication.

3. A communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule, including information relating to the exhaustion of domestic remedies.

4. The Committee or the Working Group may adopt a questionnaire for requesting such additional information or clarifications.

5. The Committee or the Working Group or a special rapporteur designated under rule 106, paragraph 3, shall indicate a time-limit for the submission of such additional information or clarification with a view to avoiding undue delay.

6. If the time-limit is not respected by the State party concerned or the author of a communication, the Committee or the Working Group may decide to consider the admissibility of the communication in the light of available information.

7. If the State party concerned disputes the contention of the author of a communication that all available domestic remedies have been exhausted, the State party is required to give details of the effective remedies available to the alleged victim in the particular circumstances of the case and in accordance with the provisions of article 22, paragraph 5 (b), of the Convention.

8. Within such time-limit as indicated by the Committee or the Working Group or a special rapporteur designated under rule 106, paragraph 3, the State party or the author of a communication may be afforded an opportunity to

comment on any submission received from the other party pursuant to a request made under the present rule. Non-receipt of such comments within the established time-limit should, as a rule, not delay the consideration of the admissibility of the communication.

9. In the course of the consideration of the question of the admissibility of a communication, the Committee or the Working Group or a special rapporteur designated under rule 106, paragraph 3, may request the State party to take steps to avoid a possible irreparable damage to the person or persons who claim to be victim(s) of the alleged violation. Such a request addressed to the State party does not imply that any decision has been reached on the question of the admissibility of the communication.

Inadmissible communications

Rule 109

1. Where the Committee decides that a communication is inadmissible under article 22 of the Convention, or its consideration is suspended or discontinued, the Committee shall as soon as possible transmit its decision, through the Secretary-General, to the author of the communication and, where the communication has been transmitted to a State party concerned, to that State party.

2. If the Committee has declared a communication inadmissible under article 22, paragraph 5, of the Convention, this decision may be reviewed at a later date by the Committee upon a written request by or on behalf of the individual concerned. Such written request shall contain documentary evidence to the effect that the reasons for inadmissibility referred to in article 22, paragraph 5, of the Convention no longer apply.

C. Consideration of communications on their merits

Method of dealing with admissible communications

Rule 110

1. When it has decided that a communication is admissible under article 22 of the Convention, the Committee shall transmit to the State party, through the Secretary-General, the text of its decision together with any submission received from the author of the communication not already transmitted to the State party under rule 108, paragraph 2. The Committee shall also inform the author of the communication, through the Secretary-General, of its decision.

2. Within six months, the State party concerned shall submit to the Committee written explanations or statements clarifying the case under consideration and the remedy, if any, that may have been taken by it. The Committee may indicate, if it deems it necessary, the type of information it wishes to receive from the State party concerned.

3. In the course of its consideration, the Committee may inform the State party of its views on the desirability, because of urgency, of taking interim measures to avoid possible irreparable damage to the person or persons who claim to be victim(s) of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its views on interim measures does not prejudge its final views on the merits of the communication.

4. Any explanations or statements submitted by a State party pursuant to this rule shall be transmitted, through the Secretary-General, to the author of the communication who may submit any additional written information or observations within such time-limit as the Committee shall decide.

5. The Committee may invite the author of the communication or his representative and representatives of the State party concerned to be present at specified closed meetings of the Committee in order to provide further clarifications or to answer questions on the merits of the communication.

6. The Committee may revoke its decision that a communication is admissible in the light of any explanations or statements submitted by the State party pursuant to this rule. However, before the Committee considers revoking that decision, the explanations or statements concerned must be transmitted to the author of the communication so that he may submit additional information or observations within a time-limit set by the Committee.

Views of the Committee on admissible communications

Rule 111

1. Admissible communications shall be considered by the Committee in the light of all information made available to it by or on behalf of the individual and by the State party concerned. The Committee may refer the communication to the Working Group for assistance in this task.

2. The Committee or the Working Group may at any time, in the course of the examination, obtain through the Secretary-General any documentation that may assist in the disposal of the case from United Nations bodies or the specialized agencies.

3. After consideration of an admissible communication, the Committee shall formulate its views thereon. The views of the Committee shall be forwarded, through the Secretary-General, to the author of the communication and to the State party concerned.

4. Any member of the Committee may request that a summary of his individual opinion be appended to the views of the Committee when they are forwarded to the author of the communication and to the State party concerned.

5. The State party concerned shall be invited to inform the Committee in due course of the action it takes in conformity with the Committee's views.

Summaries in the Committee's annual report and inclusion of texts of final decisions

Rule 112

1. The Committee shall include in its annual report a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States parties concerned and of its own views.

2. The Committee may decide to include in its annual report the text of its views under article 22, paragraph 7, of the Convention. It may also decide to include in its annual report the text of any decision declaring a communication inadmissible under article 22 of the Convention.

PART THREE. INTERPRETATION AND AMENDMENTS

XX. INTERPRETATION AND AMENDMENTS

Headings

Rule 113

For the purpose of the interpretation of the present rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Amendments

Rule 114

These rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Convention.